

Jefferson County Planning & Zoning Oskaloosa, Kansas

OFFICIAL

OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

Minutes of the Planning Commission Meeting of April 26th, 2021

Item 1. Call to Order.

Item 2. Approval of the Agenda

Secretary Scherer moved to accept the agenda as presented and Commissioner Rudolph seconded.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion Passed 4-0

Item 3. Roll Call

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
Present	Present	Present	Present	Present	--	--

During this time, staff went through with each participant that had logged on for the Zoom meeting to acquire their name and address and case of interest. This information is included as a separate attachment.

Item 4. Approval of the March 22nd, 2021 meeting minutes

Chairman Johnson asked if there were any corrections for the minutes. Chairman Johnson asked for a motion to approve the minutes. Secretary Scherer moved to approve the minutes as presented and Commissioner Phillips seconded.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion Passed 4-0

Item 5. Public Hearing

Chairman Johnson explained the commission meetings procedures to the public and opened the public hearing.

Chairman Johnson asked if anyone had ex parte communications with someone involved in the case or if a member has a potential conflict of interest regarding this case. No one had.

Z2021-02: A request to consider a change in zoning from Suburban Residential and Agricultural to Rural Residential (resulting from a boundary shift enlarging a residential parcel) at property located at 7538 Wellman Rd, McLouth, KS 66054. This request is brought by owners Brett and Shelley Mullenix of the same address.

Chairman Johnson asked staff to give their report.

Kelly Woodward (Staff): Okay. I want to take the opportunity first to ask Shelley Mullenix, who's the applicant, if she got it worked out so we can hear her?

Shelley Mullenix (Applicant): Can you hear me?

Kelly Woodward (Staff): Yes.

Shelley Mullenix (Applicant): My husband is here too, Brett.

Kelly Woodward (Staff): Brett. Okay, thank you. All right. So, if everyone can just mute for a moment while I give my presentation, and then we'll proceed with that. I'm going to share my screen.

Staff gave their report. After their report, Chairman Johnson asked the board if they had any questions for staff.

Chairman Johnson: Seeing no takers at this point, would the applicant like to add anything to Kelly's report?

Shelley Mullenix (Applicant): No, I think she covered it.

Chairman Johnson: Is there anyone on the Zoom call at this point that is a proponent of this particular case, Z2021-02? If not, is there anyone on this Zoom call in this particular case, that is an opponent of this request? Seeing none, is there anyone on the Zoom call, at this point, that is a neutral party, that wants to make a comment about this particular case? Seeing no response at this point, then, I will close this case to public comment and see if the Planning Commission has any questions, comments, or motions to be made on this particular case.

Secretary Scherer: Mr. Chairman, this is Matt. I move that we recommend to the County Commissioners approval of application Z2021-02, as proposed based upon the findings presented by staff.

Commissioner Benyshek: Mr. Chairman, this is Tim here. I would second that motion.

Chairman Johnson: Any further last comments before we take a vote? If not, all those in favor raise your hand. Okay. Any opposed, the same sign?

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

Chairman Johnson asked if anyone had ex parte communications with someone involved in the case or if a member has a potential conflict of interest regarding this case. No one had.

Z2021-03: A request to consider a change in zoning from Suburban Residential and Agricultural to Agricultural (to facilitate an associated Ag Lot Split application) at property located at 6207 58th St, Meriden, KS 66512. This request is brought by owners Michael and Angela Casey of the same address.

Staff gave their report. After their report, Chairman Johnson asked the board if they had any questions for staff.

Chairman Johnson: Are there any questions at this point for staff on this particular case? I have one. Kelly, is there a timeline on getting these entrances up to code?

Kelly Woodward (Staff): I just know that before any permits would be issued or any Ag lot split would be issued, we would make sure that that was done.

Chairman Johnson: So, there wouldn't be further development? This case would not proceed further without those improvements.

Kelly Woodward (Staff): Correct. Angela might want to give you an update on what's going on with that. She probably knows more than I do.

Chairman Johnson: Okay. No other questions by Planning Commissioners at this point, then I'll ask the applicant to add to or refine the staff report?

Angela Casey (Applicant): Right. This is Angela. I've paid the fees for all three entrances to the road department and we're on their schedule as soon as they can get out. I have not gotten any email or notification back as to when that's actually going to occur, but we have paid the fees and filled out the application to move forward.

Chairman Johnson: Any other comments? That's great. Any other comments you have?

Angela Casey (Applicant): Nope, that's it. Kelly did a great job.

Chairman Johnson: Okay. Is there anyone on the Zoom call at this point that would like to speak in favor of this application? Seeing none, is there anyone on this Zoom call at this point that is in opposition to this particular case? Seeing none, is there anyone that would like to make a neutral comment on this particular case? Seeing none, then I will close the public hearing portion of this case, Z2021-03 and ask if the Planning Commissioners have any further questions or comments on this case or any motions?

Commissioner Phillips: This is Steve. I have a motion. I move that the Planning Commission recommend approval of application of Z2021-03 as proposed based on the findings in the staff report.

Commissioner Benyshek: Chairman, this is Tim here. I would second that motion.

Chairman Johnson: Any final comments or questions by commission members? Seeing none, we'll take a vote on the motion to approve. All those in favor, raise your hand. All those opposed, same sign.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

Chairman Johnson: So, Angela, I didn't say this on the first case, but the Planning Commission is just a recommending body for the County Commission. So, we don't make final decisions. We investigate the cases and the history and provide

information to the county commission for them to make a final verdict. I should have said that on the first case as well, and maybe Kelly can provide a date on when this particular application may come up before the County Commission.

Kelly Woodward (Staff): Okay, it looks like it would be May 17th.

Chairman Johnson: And a letter will be sent from the Planning office to confirm that and any other details?

Kelly Woodward (Staff): That's correct.

Chairman Johnson asked if anyone had ex parte communications with someone involved in the case or if a member has a potential conflict of interest regarding this case. No one had.

DP2021-01: A request to consider an amended Development Plan for planned improvements at an existing Agritainment farm business permitted as conditional use CU2002-01. This request is on property located at 5991 17th St, Grantville, KS 66429 and is brought by owners Julie and Gary Starr of Gary's Berries at the same address.

Staff gave their report and made sure the Planning Commission members had received the email containing the communication from the Attorney for the Browns that was received in the office. All members confirmed they had.

Chairman Johnson asked the board if they had any questions for staff.

Chairman Johnson: I have a couple. I saw that there was a review of this in 2006. This came down in 2002, right? Was it built into the conditional use permit that it would be reviewed every three years?

Kelly Woodward (Staff): Well, the Planning Commission recommendation was worded that it would be inspected in a year, and then again in three years. And then when I looked at the County Commission decision, it said be inspected every three years. So, I don't know if there was some kind of misinterpretation of the recommendation in there. I don't know if they did any other inspections. That's just the only one I found in the file. Of course, it's the county's responsibility to do those inspections.

Chairman Johnson: I don't know if this will be for Gary, but I want to ask you about, in the stuff you sent out in the staff report. You have a statement of intent, and then you have a statement of value. And then you have justification. Was this all information that was provided by the applicant?

Kelly Woodward (Staff): Yes. And originally, the conditional use standards were set up, I think, with asking for those things specifically. We don't actually ask for it that way anymore, but he wasn't actually amending his conditional use, so he just kind of updated those documents and kept the same format that he had previously so you could better compare.

Chairman Johnson: I want to ask you about page 63 of 156 here, item #12. Will the proposed use increase traffic in the area? If so, will an increase in traffic be detrimental to the adjoining properties? Was that an answer?

Kelly Woodward (Staff): That was answered in the original conditional use permit. He just didn't have any new response to it.

Chairman Johnson: And #13, is how will the surrounding property values be maintained or increased? Show the basis of your assumption in detail? Was that in the original conditional use?

Kelly Woodward (Staff): Yeah, let me look. Okay, let's see here. Which one did you say, the property values, surrounding property values? His original response was... "I believe that property values will be maintained. Majority of the surface area or property is agriculture. This ground will continue to rise in value because it is highly sought-after farm ground. We keep the right-of-ways from 24 Highway mowed and try to keep the trash picked up. We maintain tree lines on three sides of our property. This area is not developable for housing."

Chairman Johnson: What was the answer to #12?

Kelly Woodward (Staff): Okay, the answer to number 12 was increased traffic. Will the proposed use increase traffic? “Yes. I have received no complaints from my neighbors. I try to address any possible problems before they arise. One way is to ask my neighbors if there are any objections before I do anything new.” So, there has, as far as I know, been no traffic study, no formal traffic study or traffic counts taken for this intermittent seasonal use.

Chairman Johnson: Well, this may be a better question for Gary. Are we talking about an expansion here participation of the public in this agritainment conditional use?

Kelly Woodward (Staff): There's no expansion in area, in the area that's designated in legal description for the conditional use. I think he is asking to do some additional events. He accommodates the same amount of parking now that he did when he first got permitted, as far as I could tell. But yes, I think you should probably ask Gary that question.

Chairman Johnson: And my last question before we go to the applicant is in terms of the parking situation. You know Kansas is a volatile area in terms of drought and being able to hold on to vegetative cover as such and so, there's no minimum requirements here for a gravel base, so it's participant beware?

Kelly Woodward (Staff): Participant beware, as in the visitors you mean?

Chairman Johnson: Yeah.

Kelly Woodward (Staff): You can ask Gary how they manage parking. I know they have a lot of employees, and maybe they have people directing people where to park and maybe he can share with you some experiences over the years pertaining to his parking.

Chairman Johnson: Any other questions by commission members of this point?

Commissioner Rudolph: I was curious what the conditional vegetative coverage for the parking? What is that? Just like mowed grass, or how is that? How is that address?

Kelly Woodward (Staff): I mean, it could be clover, it could be grass, it could be anything that just keeps the soil from eroding and going away.

Commissioner Rudolph: And then on the #6, I believe the buffered and directed away for the noise. Was there anything more to that? I mean, I know that you're saying that there isn't any regulations that address that, but I was not sure if that had been more detailed.

Kelly Woodward (Staff): You mean, in the past?

Commissioner Rudolph: In their original perhaps?

Kelly Woodward (Staff): I think that's a good question. We might have to ask Gary, when that stage, it's a small stage, I think you have a picture of it. Now, I'm not sure when that was established, but it faces the Kansas River.

Commissioner Rudolph: Well, in reading what they had submitted through the lawyer about the, I believe it was the apple canons? So, I wasn't sure if that was something that's been going on for the last 20 years. If that was addressed?

Kelly Woodward (Staff): Yes, I believe that has been going on for the entire time.

Chairman Johnson: Seeing no further questions at this point. We'll turn it over to the applicant at this point to embellish the staff report or answer any questions at this point.

Gary Starr (Applicant): I appreciate y'all taking time out tonight. This is quite an undertaking, for Julie and myself. First of all, I'd like to address something I think is a common theme in the document that John brought up. We are not looking to be open 365 days a year. I am maturing in life. I have no desire to work that hard. From my conversations with Kelly, that it had been a while since this plan had been updated. That's really all we're looking at doing. Our goal is to have events like the Fall Festival, or a Christmas lights show. We are not looking to run every day of the year. That is not at all what we're wanting to do. And when I looked through John's document here, that was kind of throughout the whole thing. So, I just wanted to clear that up. I apologize for the confusion on that. That wasn't our intent. I was trying to get around to everybody before the paperwork got out. Unfortunately, I decided to have a heart attack and did not get around before everybody got the paper, so I am sorry. Now starting with that, I know there's a noise element in here, according to John's statement. Okay, the other day we had gunshots going off for four hours that you can hear throughout the house. The trains go by constantly, the whistles, you can hear those inside my house. As far as our apple cannons, you can't hear them inside our red building. That is the one with the green top. As far as the apple cannons or the stage, either one, we have a meeting area within 100 feet of that, where I conduct meetings there. We have church groups, or while the apple canons are going off and the stage is going at the same time. So, since we do live right there on the farm, and I take naps during the day, that would disturb me. So just addressing the noise there, the apple canons are going on most of the time, they will be going on during the Fall Festival. I don't see, in my opinion, that's part of the noise. This weekend, in particular, we had gunshots going across the river, and somebody fired off Tannerite. So, we had a loud boom, and it was more than anything in fireworks we've ever done. This is just the normal noise in the country. You hear this? I mean, there's no way I can stop the trains, there's no way that I can stop the gunfire across the river. It's constant, from semi-automatic to fully automatic guns, and they are loud. Now, that is something we can't control. But that noise does happen constantly on the weekends when the weather's okay. That's part of what we live with in the country. As far as the train whistles, the train vibrations are more than anything we would do, you can feel them inside of our house. It's a good half mile away. Um, the stage is directed to the south, there's actually two buildings that block it to the west of the stage, from noise going to the neighbors. I'm not even sure that it can be seen from that area. Um, the type of music that we play on the stage, if you've ever heard of Dr. Gary McKnight, he is one of our bands that come out. So, if you know him, he does a really good job, it's nothing outlandish. First of all, we're not going to have anything that would be anti to our belief systems. As far as negative music.

Gary Starr (Applicant): As far as the wildlife, the deterioration of the wildlife, it's interesting that that came up. But you will notice that we shoot apples towards the river. What that has done has created more of a deer population if anything else. So, we actually have more deer down there. And we've got cameras that go down there so the kids can find them and look at them. But we also had them within probably 30 feet of the apple cannons. Um, our petting zoo is within 100 feet of the apple cannons and within the stage. At that point, these animals, I mean, you're talking a camel, you're talking a donkey, you're talking rabbits, goats, they are not disturbed by the noise. So, livestock in that area, there is none. We, I mean, this is a row crop area. So, the dust issue. One of the things I was concerned about, is that road dust lingering for days. I've never seen a gravel road where the dust has lingered for days. So, I would like to clarify that. Even today when I went down the road and it's dry, the dust disappeared within a couple of minutes. And then as far as dust in the house, even in the wintertime, we have dust in our house, and it can happen. You can clean up one day and next day you have more dust, it's just fine dust down there in the valley.

Gary Starr (Applicant): Let me clarify also a few things as far as the highway and turning in the vehicles and the railroad tracks. If people are blocked on that road, it's because the trains have blocked it. It's not because of the excessive traffic, the traffic moves continuously.

Gary Starr (Applicant): As far as safety, we have off duty sheriff's officers, EMT on staff. Julie, my bride is a registered nurse, still licensed. Basically, one of our daughter in laws is also. The road department has said that the roads meet the standards for two vehicles to pass. The Health Department has said that we meet the standards there. Dust control, I understood that the house next door to us had some new people move into there. This was after our zoning even a few years ago and understood they were ill. So, we went out and put the dust control on the road. And we have for the last several years in order to make sure there's no dust in front of their house at all. Typically, what happens the road is graded before we start and after we start. It just seems like it works that way. They take good care of us with the road and bridge. You also see that they come by and mow the right of ways. As far as trash, along the roads, we have people continuously picking up trash. Think you going to Mickey Mouse land and seeing trash all over the place or even as you approach the Mickey Mouse land. It doesn't look appealing. We don't we don't want that. So, we're very adamant about having trash picked up. Again, for safety, we have off duty sheriff's officers on staff. We pay them, the county does not. Jeff has

approved this. If you have more questions about that you can ask Kevin Gibson who's neutral, he can address that. Again, the EMTs are on staff. Our goal is not to cause any excess strife for anybody. Again, I need to reiterate the fact that we're not wanting to operate 365 days a year. And I realize that when this came about some thought that's what we were wanting to do. When I read the last page of John's statement here. It says that the Browns are not opposed to what we're doing. They just didn't want us to expand to a year-round operation. So, I want to just make it aware to those folks that that's not what we're wanting to do. It is in the best interest of everybody for us to continue on with what we're doing. I say that as a blanket statement, I probably shouldn't, I apologize. Um, this is about noise. In wildlife is back to where it should be the stage (inaudible)..... Environmental, the Department of Agricultural has permitted us with two water wells. Now within that for us to have a restaurant license, we have to be permitted by the Department of Agriculture again. They've taken over restaurant licenses in the state of Kansas. So, for us to be able to do that we have to have water. That water has to be tested every year and samples sent in and they approve that we have no biologicals in the water. I have sent that over to Kelly, and she got it late today. I don't know if it's in the report anywhere. But I do have them here if anybody wants to see them, I can pick them up and show them to you. Along with that, lowering water tables, our water rights are senior to the other wells across the road or to the west of the road. We are permitted by the State of Kansas for those water rights. They would not have permitted them to us if we were lowering the water table. We do not use all of our water rights. Both of our wells are permitted by the State of Kansas. We do have licenses to operate all these. Again, John came out and approved the septic tanks and our sanitation facilities. Most of the crops are harvested by the time we even open in that area. You know, and as far as land values going down, anybody that's in this environment right now trying to buy anything knows that land values have gone up. I would gladly purchase the neighbor's property for fair market value if they're interested in selling.

Gary Starr (Applicant): The Browns moved into the house next door to us about three years ago, knowing what was going on. Jay and his wife bought the property by Ernie and Marlene Prosser, after we were already zoned, they knew what was going on also.

Gary Starr (Applicant): And to talk about profit. This is #6 in one of the documents here, as with any business or agritainment, I would suppose profit is good. If a business is not staying profitable, they're not going to stay in business very long. I mean, a blunt statement is I'm a capitalist. And I believe in that. That's what this country is based upon. And a question I do have for Kelly, mentioned here, does Jefferson County have a master plan? I thought we did, didn't we? Okay, again, we're not planning on running our business year-round. I don't want to scare anybody, but I think I did. And I apologize. That wasn't our intent. How this got started was I approached Kelly about putting up a new building, trying to follow the guidelines. And she said, well, let's go back and just revisit everything to make sure everybody's on board, and we got all the documents in place, and so we agreed. Of course, nobody wants to go through this, but Kelly has been very helpful, along with Erin, and I appreciate it for the process. So, the idea was, we want to put up a building, so we don't have to continue to use a tent. That's the big item we're changing. Then we were told to add whatever else we might think of. We come back and we said, well, we're doing a Christmas light show. We don't anticipate that to be a big thing but the intention there is a little bit different than most businesses. We're looking at developing that as a nonprofit, a 501C3 and creating a foundation for it. We have other intentions for that side of the business. I do have people to address the benevolent side of our business. Hopefully, Barry is still on here and I'll let him address that. He tends to understand it quite well and then we do have other people that can address other parts of our business. But I do apologize to the Browns if I've caused them any consternation. At that point, I've said a lot. Is there anything else that I can say?

Chairman Johnson: Any questions at this point, by commission members for the applicant?

Chairman Johnson: Gary, you said that you're not going to run this year-round every day, but you're hoping to expand at certain festival times or do obviously make a profit? Do you need more bodies to show up to make this work?

Gary Starr (Applicant): That's a great question. We're not focused so much on bodies to make it work. I have told people many times that this is my golf, I don't play golf. So, Julia and I have subsidized this farm a lot in order to make it work. The Fall Festival we get a lot of joy out of it and the fact that we have many young people come out and enjoy it. We have many of our local youths come out and work for us. Some of them have never used a screw gun. Some of them learn values that are taken back to their educators and they tell us about it. We require everybody to say my pleasure. You realize how enjoyable that is for one of the educators to come back and say, the kids are saying that in school, because it's embedded into them on the farm. So, our focus is on what we can do for the betterment of the community on this.

Chairman Johnson: Do you have any mechanisms? I don't want to call it crowd control. But I mean, how do you estimate a capacity number that you can handle?

Gary Starr (Applicant): That's a great question. Well, I don't think we've seen that yet. Right now, if we have to, we've got people that can go in the parking lot and park cars, we usually have a pretty good staff on hand to handle the numbers, as far as feeding everybody. We have plenty of restrooms, and what we do, we add porta potties as needed throughout at the beginning of the year. As far as maximization or a maximal amount of people, they come and go. So, nobody stays there much more than four hours in the fall. And we anticipate that for the Christmas lights show maybe an hour to walk through the light show. It's not wagon ran, it's gonna be a walkthrough. I'm sorry for being ambiguous. I just don't have an answer.

Chairman Johnson: Have you ever done a car count? I mean, over typical fall festival day, and how many cars are coming and going from your festival?

Gary Starr (Applicant): That would be fairly difficult since we open at 10 and close at 10 on Saturdays. I'd have to have someone in the road, just counting cars. So, to answer your question, no.

Chairman Johnson: Any other questions by commission members, this point for the applicant?

Secretary Scherer: Mr. Chairman. This is Matt, I actually have a question for Kelly if you'll allow?

Chairman Johnson: That would be fine Matt.

Secretary Scherer: Kelly, is there anything in the existing CUP that would prevent the applicant from opening 365 days a year as he put it?

Kelly Woodward (Staff): Very good question.

Chairman Johnson: Could you repeat your question Matt, please?

Secretary Scherer: I'm sorry. I asked Kelly if there was anything in the existing CUP that would prevent the applicant from operating 365 days a year if he wanted to at this point. I guess I'll go on and say I didn't find anything myself.

Kelly Woodward (Staff): Yeah, I mean, I don't see anything. They just say hours of operation for summer harvest in May through August and those hours are anywhere from 7am to 7pm. Closed on Sunday. And then the hours for the fall festival were late August to the first week of November, which says these hours could change. Business is growing and by some blessing it could become a full-time operation. Monday through Thursday, 8 to 3, 4 to 10. Friday. Yeah, I mean, those hours in the original application run anywhere from 7am for the summer harvest to 11pm at the fall harvest festival. Yeah, I don't see anything that says how often the events are. I'm just going by what's in the application, and then the other clue that we have is what was discussed in the minutes of the meeting. And those are the things that I consider as setting the foundation for what was approved.

Secretary Scherer: Thank you Kelly and Mr. Chairman.

Chairman Johnson: No further questions right now for the applicant then Kelly, you're gonna have to navigate this list of pro-opponents.

Chairman Johnson: Gary, do you have a particular choice of the people you want to speak in a certain order?

Gary Starr (Applicant): Could Barry go ahead and speak first?

John Hutton (Lawyer for the Brown family): Mr. Chairman, this is John Hutton, and this might be completely out of order, but I'd like to state one thing, maybe we could speed everything up. I don't think there's anybody on this meeting

that believes that the Starrs or what they're doing is not a great organization, and that they're doing great things. So, I just wanted to say that, and to the extent that that needs to be reiterated, maybe we can save ourselves a little bit of time. Thank you for indulging.

Chairman Johnson: Barry, would you like to speak at this point?

Barry Feaker (600 N Kansas Ave, Topeka): Yes, thank you, Mr. Chairman. Appreciate the opportunity to say a few words tonight. Mr. Hutton, I think just said it as the Starrs really have good intentions here. I think it was about 1991 or 92 that I met Gary. He approached me with a question. How could he use agriculture to help people and bless them? My professional work is working with homelessness and hunger and have been for 35 years. To be honest with you, I wasn't too interested in what Gary had to say, because I knew nothing about agriculture. And I can't say I do a whole lot today. But one of the things that I have seen over the many years of operation with the Fall Festival, Gary's Berries, his continual improvement, I can tell you the first time I went out to the Fall Festival, I got lost in the corn maze. And I said I'd never come back again. But a lot of people wanted to go back and Gary and his family and the people that work there have reached out to many people who otherwise would not have an opportunity to see a farm to have fun. The good, wholesome entertainment that this provides is probably incalculable. And so, hats off to Gary and everybody that's worked with this Jefferson County and the neighbors who may be in opposition to this, that this is really blessing a lot of people who really don't get an opportunity to leave the urban settings and to get out to the rural areas. To say one more thing, something did come up on our radar because of COVID this last year, and that was hunger across the United States. And we at the rescue mission were contacted by the USDA to get involved in a program called farmers to families. And I really didn't understand what that meant, but the farms were in trouble. And one of the things that the pandemic led to was possibly farms closing, because of the economic situations that were occurring. Congress bailed out the farms with a pretty big stimulus package on this and then made food available to feed people. We got involved in feeding people in Jefferson County and eight other counties around the area to the tune of nearly 3 million meals in less than a year. I think one of the things that the farm does is that it brings the awareness, the importance of agriculture, like I never believed we could. So not only does the Fall Festival do what it does to bless people in a good wholesome way providing homeless kids out to a place where they see pigs running around and get to get to name them and get to jump on trampolines, and just get out in the country. But also, it's bringing an awareness of an opportunity for people like myself and people who live in a city to get out to see what agriculture is really about. And so, my hat's off to Gary and the family as well as everybody else here. And for Jefferson County and the commissioners to consider going ahead and approving this conditional improvement. One of the things probably that we've seen since 1993, I guess is when it started, is one improvement after another and so this seems to fit very well, and I thank you for the opportunity to share a few thoughts.

Chairman Johnson: Thank you Barry. Kelly, do you want to help orchestrate?

Kelly Woodward (Staff): Ok. We have another person who wants to speak as a proponent. Kathy Harlow.

Kathy Harlow (Papillion, Nebraska): I'm Kathy Harlow. Am I okay to go ahead? Okay. Um, I'm a little bit different from a lot of the people speaking tonight because I actually live in Nebraska. I met Gary and Julie I'm going to estimate 9 to 10 years ago at an agritainment conference and have done some yearly consulting with them about their business. The one thing that really struck Gary and Julie different from any other farms that I've worked with is how genuine people that they are and what purpose they want their farm to do. It's not about the money. It's not about, you know, building up revenue. It's about bringing families in to experience a country life and to build a lot of family memories for them. Just about everything he does on the farm is about giving to the American family and what they can do to build those family memories and make the family unit stronger. And I think if you know Gary and Julie, anybody on a personal level, you'll know, through their jobs in the community and their volunteer work, that's just part of the core of who they are. Gary approached me last year, and I think it was in September, about coming on this year as one of his general managers on the farm because he's, um, he's tired, he's tired, and he wants to watch the families. Specifically, he wants to watch the kids have fun on the farm. And he doesn't want to do the behind-the-scenes work. So Dreana, will be talking shortly, and Dreana and I are both coming on as general managers of the farm this coming year, I'm super excited to walk away from working with other farms, to work for a family with such awesome core values that just care about people over money. And so, a little bit that we've had a lot of planning meetings with Gary and Julie and Dreana, and I, and we're not changing much. The Fall hours are going to stay the same. Friday, Saturday, and Sunday. Wednesday, we'll be open to school groups, and like homeschool people are, you know, I hope that kids are not out of school this next year due to COVID. But that would give them a

chance to come out. And then regarding the Christmas, and it being operated as a nonprofit, that is only three weekends that we're looking at doing that starting on Black Friday up until the week before Christmas, and it's going to be limited hours. It's Friday, Saturday, and Sunday. And we will not open until later in the afternoon. You know because it is a Christmas light show. So, we're not opening at nine o'clock in the morning. And this is, I just think one of the most compassionate gifts that Gary and Julie are going to be giving back to the whole surrounding area of Topeka and the families there. And I'm just excited to be on board and make a difference, make a difference in these families. I think that's about it. Any questions for me?

Chairman Johnson: Not right at this time. Who's next Kelly?

Kelly Woodward (Staff): She mentioned Dreana so we might as well go with her.

Dreana McClurg (Meriden): Good evening. Thank you for allowing me to speak tonight on behalf of Gary and Julie and the things we do at the farm. Um, first of all, I started as a parent volunteer at Gary's. He needed people to do exit surveys. And so, he reached out to the Jefferson West (inaudible) group. So those young students, my daughter was a sixth grader at that time and did exit surveys and being a member of the school board at Jefferson West, I was able to be there and help their advisor supervise the children. So, I did that my first year at Gary's, and that was about 13 years ago if I do the math correctly. And so, people ask me, why do you keep going back? And why do you keep going back and working for Gary in the fall for six weeks, because I did have a full-time job working 40-50 hours a week. And the reason it was the joy and working with the kids. Some I interviewed, we always do exit interviews with the staff when they leave, and I hired a girl this year, she came in and she had very limited skills. I had to show her how to even like wipe off the table correctly. She didn't know how to do that. By the time the six weeks was up, and she left, and this is a person who's limited, you know, hours of what they can work because of the labor laws and things like that. But I asked her what was her best experience about working at Gary's or what she learned most about herself? And she said she found her voice. And I said what do you mean by that? She said well before I never had any confidence that I could do anything but now I have confidence. And that's what gives me joy is watching these kids come. I see families come from you know military families. I've hosted a couple of dads returning from active duty and having to surprise there we've had the engagements planned and coordinated that and all these family memories. We have kids that have started working with us as young as you know, 14–15 year-olds who are still coming back, later on in life when they're in college. And it's just the childhood memories of when we did the exit interview, at the end of the evening, people will be leaving the farm. And I'll say, Well, how was your day? What was your favorite thing or, and I'll have parents who are, you know, in their mid-30s with their little ones, they said, well, we remember how much (inaudible) to bring our kids to see that. And being in the county my kids growing up in Jefferson County and going to the schools they did do the field trips out there at Gary's when they were younger. And now I have my first grandchild, and I'm looking forward to Jett coming out and getting to participate in that even though he lives in a different county, but he will still come home to grandma's and be able to visit that on the farm. And that's what it's all about is making memories with these families. And there's the joy, and I find so much joy in what I do there.

Kelly Woodward (Staff): Okay Paul, I think the next one might be Diane.

Diane Deuser (Shawnee County): This is Diane Deuser and I have worked with Gary for five or six years, and I've seen kids come thinking that they're just going to make some money and they really don't know about working. And one of the things I hear when I'm in groups of adults is that kids these days don't want to work. Well, the kids at Gary's want to work and they do an awfully good job. And this past summer, I saw a lot of kids coming from out of the area, Seaman schools, Lawrence schools as far away as St. Mary's, Topeka 501, Topeka West and Topeka High and they didn't really know each other, but in a few short days, they were friends. So, I think they appreciate that. And they're taught how to work and, and the kids that have been there for a while help them and it's just a learning experience. And it's a give and take, and they want to come back. And it's just a joy to see all that because we see all the stuff about kids getting in trouble and being in trouble and I want to put all these kids on the best kids list because Gary always has a meeting on Saturday morning, and I've seen him become almost like a father to some of them. I remember one girl who couple of years ago, her best friend committed suicide and Gary took her aside and just helped her like you wouldn't believe. So, I think we need to keep something like this going for kids to experience work. So, does anybody have any questions for me?

Chairman Johnson: I don't see any right at this point but thank you for your comments.

Kelly Woodward (Staff): Mr. Chair. I think the next one might be Janell Ross.

Janell Ross (7705 Butler Rd, Meriden): There now I am unmuted. Okay, I'm Janell Ross, and I help with the school groups that come out to Gary's on a field trip. It's our pleasure to serve the groups ranging from preschool age kids up through one, we do have one high school group that comes out usually once a year, and we also have some that are homeschooled. And for some of these kids, the farm is their only opportunity to see how tall corn stalks or sunflowers really are or pick their own pumpkin from pumpkin patch after taking their first ride on a hay rack ride. The public schools in Kansas have standards that our kids have to meet, and the teachers have to teach. And so, we incorporate some of the standards into the experience that they get out of Gary's. Some examples are for the younger ones, they get to use their senses to learn as they pet the goats or feel all the corn kernels and the corn pit. They see the chickens and the rabbits, and they taste the sweet apple slushy. They get to smell the fresh air of the rural community and hear the sounds on the farm. We also offer them a story about a square pumpkin. And through this story, they learn about accepting differences in each other and helping to end bullying. And the older students, they can use a farm experience to learn things such as measurement like measuring the circumference or the weight of a pumpkin. They make predictions maybe about as they learn through reading about the goats. Telling time, how long is it going to take the hay trailer to get all the way around the farm. And they can compare and contrast the differences in the pumpkins or the sunflowers. The students also get to exercise their bodies too by running, climbing, jumping, sliding, crawling, throwing, skipping their way through the many activities available to them. And this helps to meet and exceed the standards set for them by the State of Kansas. Monday through Friday, from the middle of September to the end of October, we have kids and their teachers or parents out to the farm learning together and having a great time. That's all I had at this point. Any questions for me? Thank you.

Chairman Johnson: Thank you. Thank you very much.

Kelly Woodward (Staff): Okay, maybe we can hear from the Prossers.

Ernie Prosser (1510 Decatur Rd, Grantville): Say something real quick. Several of our children have worked over at Gary's Berries over the years, and you could see the values that was instilled in them or reinforced what we taught them by the Starrs. And not only that, but personally, I remember one winter, when we had snow drifts, we got stuck and Gary came pull us out of the drift and then went home and got his loader and cleared a path so we could get back home. He didn't have to be out during the cold. It's just that (inaudible) and I can see that in the Starrs. We've known them since they've moved there, and they have been very helpful to us. And not only that, but our children and our grandchildren, grandchildren and great grandchildren enjoy going up there to the Starrs to the hay rack rides and other things for the kids over there. And it touches my heart, you know, how they stand up for what's right and help others and it's just I guess that's all I got to say.

Marlene Prosser (1510 Decatur Rd, Grantville): I would just say amen to what Ernie has said they've always been great neighbors over the years, as long as we've known them and everything that has been said about just their character, what they do for people for the children, I would say a huge amen to and so there's been so many times in addition to what Ernie has said that they have helped us just as being neighbors and stuff and so and our children now like he said, they're benefiting from going over there enjoying that. We have family from out of state if that works out that they can ever come in October that's one thing that they always wanted to do and so anyway.

Ernie Prosser (1510 Decatur Rd, Grantville): One more thing I could add is, in the last few years, I've had some health problems. And as we all seem to when we get a little older, and I remember when I was in the hospital, Julie came over and took care of our chickens, and cats and stuff while we were since we couldn't be there, and shows it goes beyond the business. Right? It's part of their life, if that's the way they are, and I can see the good that comes from what they do. And that's, I guess, that's all.

Marlene Prosser (1510 Decatur Rd, Grantville): If we ever needed their help in any way, I know that they would, day or night, come to help in any way.

Kelly Woodward (Staff): Michael Majors.

Michael Majors (652 High View Rd, Meriden): So, I first started working at Gary's when I was a freshman in high school so that would be almost 10 years ago now. And I have worked there every weekend from September to October since then, even sometimes over the summer, or with help as need be. Even in high school, I wasn't there Friday night to play football, but I was there every Saturday morning and if anybody you have ever played high school football or you have kids who play football, you know how hard it is to get out of bed that next morning, but it's something you always look forward to doing. It was wake up and look forward to going there the next day. I started out there working, picking pumpkins doing whatever kind of needed to be done. And over the years I've kind of gone into worked up from a corncob laborer, helped with food, I've helped with a little bit everything. And long story short, if it needed done at some point I probably helped at some point. I've worked my way up to a team lead. I'm now a manager out at Gary's that I've been there for quite a while now. Now I'm at Washburn working on my master's degree and still coming out looking forward to working out every fall. Like I said, the farm is kind of a part of my family. I mean it's played a large role in my life. It's helped me grow up I mean, develop some work skills and life habits, some core morals that obviously still are instilled in me today, and I plan on taking with me for the rest of my life. So that's not just me, I brought people from Washburn with me, I've brought teammates, I've brought coworkers from other jobs I've worked that have come out there and had the exact same experience. I've had other athletes on my team have come out and several of them still work there as they're finishing up their college degrees. And then hopefully longer, we'll see where they end up after that. Yeah, definitely instilled a good work ethic in me, work ethic in my friends. I said it's been nothing, nothing but great every time I've been out there. Like I said, it's gonna be 10 years this year if I've counted correctly. So, it's been a very crucial part of my life and look forward to going out every year. So, if anybody has any questions for me?

Chairman Johnson: Not at this point, thank you very much.

Kelly Woodward (Staff): Okay, I think we have one more. Keith and Pat Johnson.

Keith Johnson (3006 Northwest Rochester Rd., Topeka): My pleasure. Mine is going to be short and sweet. I had two nephews that actually worked for Gary Berries at one time or another. The one in particular just to put it this way, he is now a United Methodist minister up in Nebraska. Last year is the first year that he didn't work basically full time at the farm during the festival. He would come back from Chicago and work and Emporia State and he worked during high school, And I think that is one of the reasons that my wife and I started working at the farm is because we saw how the family values that were either taught or, you know, reinforced by Gary and his family and staff just clung on to people, and I truly think that my nephew working at the, at the farm all those years, being around all these other kids that have the same values, too, is kind of what helped him decide on what he wanted to do in life. So, he's doing good things now in Nebraska, so he doesn't get to come home much, but he's busy with two churches of his own. So, I really think that is what prompted him to do that. And that is also what prompted my wife and I to start working at the farm. And we really, really enjoy the company of the the young folks as well as, as, you know, people working out, closer to my age. So, it's just one big happy family.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): Mr. Chair. We have Tim Resner. That's the attorney for the Starrs. And then there might be some people who were going to speak in favor, but we didn't hear from them. I'm not sure I never did figure out if Tina Gibson, I think we kind of or I guess it was Kevin. Right. Okay, never mind. He's a neutral. So, I don't know if you want to hear from the attorney.

Tim Resner (Lawyer for Gary Starr): Mr. Chairman, if it's alright with you, I'm not necessarily here as a proponent today. If any, if I can provide any comments, I would prefer to do so on rebuttal.

Chairman Johnson: Okay. So as far as you know Kelly, have we concluded with the proponents?

Kelly Woodward (Staff): And the only person I think we don't know about is someone named Richard. Not sure if he's still on here.

Richard Jones (1701 Douglas Rd, Grantville): Hear me now? Can you hear me now?

Kelly Woodward (Staff): Yeah, I don't know if you're a proponent or

Richard Jones (1701 Douglas Rd, Grantville): I'm more or less neutral. We've been here 35 years. We met Gary when he moved in. So, I can wait till the neutral people talk or not talk? More just of interest.

Kelly Woodward (Staff): Okay, I think that's all of the people that identified themselves as proponent.

Chairman Johnson: So, we'll move on to those who are in opposition to this conditional use. Do you have a list or order for that?

Kelly Woodward (Staff): I don't know if John Hutton wants to speak first, or if one of the members of the Brown family wants to speak first.

John Hutton (Lawyer for Brown family): Mr. Chairman, this is John Hutton, I'd be I'd be happy to kind of kick things off. The first thing I'm going to do, after hearing some of the comments that I just heard, is make clear that nothing about my client's arguments has anything whatsoever to do with the Starrs as people, as good people, as having a business, that to the extent that it - that it is not harming the neighborhood, so to speak, is doing good things for people. I think it's important for this board to not conflate whether or not the Starr's business, Gary's Berries is doing good things and trying to do good things. That is absolutely not the issue before the Planning Commission today. The issue is the land use involved. What is the land use that is being utilized? How is that affecting the neighbors? That is the core issue, and frankly, the only issue that this body has before it today. So again, there's nobody - there's - I don't believe there's anybody on this call that has a problem with the Starr's, or to a certain extent the concept behind their business. But the issue is the land use and that's what I'm going to talk about. I think it's already been mentioned, and I'm going to try to keep it brief. I'm not going to ramble on. I think That Miss Woodward indicated that my client's property was about, oh, two tenths of a mile to the west of Gary's Berries or the Starr's property. That's actually, that's true. Let me give you a little more information on that. That's 940 feet straight across a plowed field. There's no timber, there's no fence. There's no nothing. It's it's straight across a plowed field. 940 feet. Okay, keep that in mind. I think it is interesting that the proponents that we heard from mainly, well, with the, with the exception of Prossers, none of them lived in the area, live right next door to the to the use. And I think that's key. Because the balancing act that the Planning Commission, as you all know, needs to, needs to do is to determine, you know, what are the relative rights vis-a-vis the neighbors versus the, the, the ability of the Starrs to use the property in a way that they want to use it. It's a weighing function, which often happens in in these legal tribunals - happens all the time, and you all know that. So, I guess that's what I want to refocus on. Something that encouraged me from Mr. Starr's comments was that he did not want to run this 365 days a year. That's great. However, all we have to go on is his application and I will read from his application. He wants to expand to Christmas trees, walkthrough lights. He mentioned Easter, Fourth of July, Mother's Day, and then the big etc. I don't know exactly what etc. means. But if you're my clients, who are a neighbor, who has to deal with this five or six weeks out of the year, then etc., can be a little scary. As Kelly Woodward indicated earlier, this hearing is not about doing away with Gary's Berries. It's not about repealing the conditional use permit that's in place. It's about how do we do this going forward in such a way that it makes sense for everybody, including my clients who are very close neighbors. I think it is imperative that this body, come up with some sort of a condition where it - whereas if Mr. Starr says he doesn't want to do it 365 days a year, and all of the comments I've heard talked about the Fall Festival, then we need to limit it to the Fall Festival, because that's really the issue. And again, I mentioned this in my letter, and I think some of you have read it, and I'm not going to go through my letter, but what I suggested in my letter was look, you have to put yourselves in my client's position of living right next door to it for five or six weeks a year. So that's fireworks every Friday night. That's several 100 cars, every Friday, Saturday night, that's other cars during the day. That is not what what rural residential living is all about. Okay. Um, and I think we all intuitively know that. But Gary's a nice guy, Gary's doing a good service. So, you know, fall, let's let the Fall Festival roll. But, you know, I think that that the notion of having some conditions placed on this use is imperative for everybody. And I think the reasons why are encapsulated in my letter to a large degree. And frankly, this case is exactly why we have zoning regulations, just so that we can - so that the local government can - can weigh these issues and make sure that one part - one party's use is not negatively impacting their neighbors. This is the core of what zoning is all about. I will tell you that, that Gary's Berries in its present form, frankly, does not meet the Golden versus City of Overland Park criteria. And as you know, that is the criteria that was set up by the Kansas Supreme Court in that court case that local governments are supposed to review in order to determine whether or not a particular zoning change which a CUP is a zoning change, to try to determine whether or not that zoning change is is appropriate. And I will tell you that in terms of litigation, that's what the

court will look at, they are not going to look at whether Gary's a great guy or whether Gary's Berries is a positive thing for the community. They're gonna look at those those seven or eight criteria. It's as simple as that. But I'm not going to go into much detail on that, I did that in my letter. Something that I think bears some discussion. Let's talk about dust control a little bit. I, in my, in my career, I've done quite a bit of land use and zoning. And one of the things that comes up quite a bit are sand pits, rock quarries, those types of things. And I think that you all have some of those, those issues in Jefferson County, probably with Hamms, maybe some others, that I will tell you that the biggest issue in those cases is the access roads, the ingress egress roads. And what I'm seeing here is really no different than a rock quarry. Now, rock quarry, you're going to have heavier trucks, but you're going to have a whole heck of a lot fewer. Here, you've got lighter vehicles, but my gosh, five or 600 over the week, over the course of a weekend, when it's usually 5 to 10. That's a problem, ladies and gentlemen. And let's not gloss over it, just because this is a, Gary's, Gary's doing a good thing. I mean, look, I think that this board and Jefferson County owe it to my clients to focus on the road issues and to focus on the dust control measures. Now, I know that water has been talked about, and I believe Mr. Starr indicated that he had, he had a distributor truck and he distributed water onto the road, I will tell you, in the heat of the, you know, if it's a dry Indian summer, in the fall, that's not going to cut it. This road needs magnesium chloride or calcium chloride on it, he can use his distributor truck to put that, that material on the road. That's what this road needs. And it also needs fresh gravel, it needs grading, it needs all of that stuff. This road was not designed for the use that it's put to in September and October. It just wasn't. And I think that's another thing we need to, we need to be honest about. You know, I, I can't stress to you enough that the concept of doing this Gary's berries festival, throughout the year, or many other times in the year, how stressful and difficult that was for my clients to get their minds around giving where they live. And I will tell you, I'm looking at the original CUP application CU2002-01, hours of operation are very clear. I don't know why, why it's a question actually. Hours for our summer harvest usually start in May and continue through August, hours for our fall festival are from late August, to the first week of November. There's nothing mentioned any other time of the year, there's no Christmas, there's no Easter, there's no Mother's Day, there's no etc. So again, if we're the only thing we have is this application from 2002. And to try to say that he has thru this application the ability to run this operation 365 days a year in the status quo, you know, I'm not going to dwell on that, but I mean words say what the words say. And then obviously, I think in the new application, Mr. Starr, he knew he didn't have an ability to run your around. If he did, he wouldn't have put his comment that he'd like to expand to more festivals; Easter, Fourth of July, Mother's Day, etc. So, let's, let's, let's be clear about that and understand that the present CUP does not allow year around use. The new CUP, in its words, is asking for more use, if not year-round. I did hear Mr. Starr's comments that he doesn't want to be year-round. But I think through the conditions, as I said earlier, it's imperative that this board nail him down on that, okay, I mean it, it's unfair to the neighbors to just say well, you know, we're just gonna leave it open. He said he didn't want to do 365. So, we're just gonna take him at his word. That's not what local government is all about, okay? He needs, he needs to have something in writing, a condition through a conditional use permit that specifies that, okay, that's the whole purpose of why we're here today. Another thing, he's talking about helicopter rides. That's kind of a big deal. Okay? Again, commissioners put yourselves in my clients position 940 feet away from this. Helicopters? Now listen, I talked about all year, let's just talk about the Fall Festival, we're going to have helicopters, or a helicopter landing, taking off, what, three, four or five times a day Saturday, and on Friday and Saturday and Sunday. I mean, come on. This is a balancing act here, guys, I don't know whether the helicopter could throw our scales off a little bit. He's talking about adding wedding receptions, private parties, all of those types of things, I'm assuming within his fall festival timeframe, I don't know. But again, you know, the 2002 CUP has very few. In fact, I don't think it has any conditions, I think the only thing it has is it's going to be inspected once every three years. And it's not clear to me or the record, at least it's not clear that that was even done. So, you know, given what we've got in front of us today, this is an excellent opportunity for this body to come to place some conditions, some real conditions on this, on this use, so that it doesn't harm the rest of the neighborhood. That goes to, you know, whether or not you can have helicopter rides? Whether or not we're going to actually do some serious dust control, whether we're actually going to do some serious road maintenance by applying some rock every now and then. All those types of things. I could go on and on, Mr. Chairman, but I think that this body, these commissioners understand what it's, what's at stake. And again, it's not about whether or not Gary's Berries is a good organization. It's about the land use that's proposed. That's the only thing before this board, it will be the only thing before the planning, before the County Commission when it goes up. So again, I appreciate your time, I believe my clients might have some special, might have some more specific comments about their, their, their experience. One thing I'd like to add, and I'm sorry, I am wondering, Kelly, can you put back up the 2020 map that you've had up before? That shows the aerial in 2020? Okay, there was one, can you go to the 2006 versus 2020, that one, kind of where you bounce back and forth. Okay, look at 2006. Go over to the left-hand side or the west side of the photo, you can see the 8.85 acres which is, which is Starr's property, you see that tree line there, that's 2006. Now go down to 2020 if you would. I can tell you and my clients can testify to this in further detail. The corn maze is actually going over onto the Starr's

property on is 8.85 acres, which then comes up right next to my client's property. And when people get lost in the maze, and they just tear through the maze, they end up on my client's property and trying to find a way out. Now, I bring this up simply for this reason. The property that is the subject to the present that is the subject of this present CUP and the amendment that we're talking about is the area that is in the green, outlined by green. It is not in the 8.85 acres to the west, that the Starr's also own. I understand they own it, but my point is, is if they're going to use that, I mean, the only portion that's subject to the CUP is the portion that's green, so you can't have the CUP use in the area that's west of the green line, if that makes any sense. And again, my clients can and there's other pictures that show it very clearly that the maze goes over to the west beyond that green line, and my clients can speak to that in more detail. And I think that probably needs to be subject to a condition as well. So, with that, I'll leave it to any other comments that my clients might have. Thank you, Mr. Chairman.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): I think the first of his clients is Tracy Brown.

Mae Brown (5937 17th St, Grantville): Mom, you re muted yourself. You need to unmute.

Tracy Brown (1548 Decatur Rd, Grantville): I think John covered our views a lot. Some of the things after listening to everybody talking that come to mind are they acted like we just moved out there. My husband grew up on that property. My husband's grandmother and her three sisters, two sisters owned all of that property, Gary's land, the Prosser's land. And my husband grew up on that property and his father built that house on 5917 S. 17th street so it's not like we're new people there. They invaded didn't invade, sorry, I can't help but be emotional about this because it's very personal. You're talking about we're worried about everybody else's lives, what about our life. Now this fall festival started out as a berry farm and that's when my mother-in-law gave permission. Sure, you can sell berries and have people come pick berries and the CUP and with it being open through um, you know that it stated the openings that are in the summertime or whatever for the the harvesting season was for berries. He, I don't know that he grows anything that they harvest anymore. The corn for the corn maze, the pumpkins that people and they're not in a very, I mean, it's not, a lot of the pumpkins are brought in. It's irrelevant, but this has grown exponentially. They talked about just hundreds of cars. No, it's 1000s of cars. It is 1000s. He, Gary stated, they they come and they go. They come and they go. They come and they go. It's 1000s of cars Friday night, Saturday, Sunday. And then there's school buses during the day. There're big semis bringing in supplies. We tolerate it. Okay. But this festival has grown so large. It's outgrown this property. We tolerate it for six weeks out of the year. Now all of a sudden, I'm hearing we're going to have a Christmas light show. Oh, oh, it sounds like it's a go. He's already got plans. We're going to do this. So now our Christmas gets ruined. We've got the fall time is the best time of year to start, you know, oh, I think I'll start exercising or I'll walk down my road or ride my bike. No, we can't do that because we have 1000s of cars coming down that road. I'm going to retire in five years I'd love to retire and relax and be in the country and sit on my picnic table and enjoy the country life. We don't get to do that for six weeks out of the year and then some because their, oh, and I'm, potentially now our Christmas is ruined. Um, I'm hoping that this won't get approval to go throughout the year. And Okay. We were concerned about our water. We have an aquifer. I don't know about any studies that have been done. He talked about yeah, they come in, but I've never seen them. My lawyer couldn't find them. He's got 11 bathrooms now. He's got two septic systems. He says he's got two wells he's approved - was he approved to have 800 families a night? I mean, plus, because I'm just saying he fills his parking lot several times each night. And all those people are going to the bathroom flushing washing their hands, where's - that they're using our well water and contaminating the soil? Where is all of that going? I'm concerned. Um, the hours of the business, I just, you know, he's gotten down to Friday, Saturday, and Sunday, and then during the week, it's - we can't go more than the Fall Festival. This is just what about our lives? I don't want to move. I want to live there. I paid my house off. I'm fixing it up. You know, what about my retirement? It's all about the homeless people and all the community and all everybody else at my expense and my husband's expense. It's not right. To grow this business larger than it is. It's way too large as it is, and we tolerate it. We've said nothing. We have said stuff, but nobody does anything about it. We've complained to you guys, nobody follows through with it. I guess that's all I've got to say. I'm sure my daughter has something to say.

Mae Brown (5937 17th St, Grantville): Okay, I think a lot of it's been covered, and it is, I don't know about you guys, but it is way past my bedtime. But I did want to, you know, John touched a lot on the concerns that we have. And I want to reiterate that, you know, there's nothing - this isn't an attack on Gary's character. I've always gotten along perfectly fine with Gary and Julie. But I do, I did get the same feeling my mom got that maybe there's a misunderstanding because the

property, not just the one that I co-own, but the properties around it belong to my family for a long time. So, um, it kind of felt like a hit in the chest to hear that you're willing to buy it because it's not, there's no price that you could put on the value that has to us. Like my mom said, my dad grew up on that property. And when he asked to open a berry farm, my grandma had no issue with that. But that was 20 years ago. And what was going on then and what's going on now are totally different things. You're talking about 1000s of people coming down on the weekend. But you bought a home out in the country because you were looking forward to the peace and quiet and privacy you would have. Or maybe you like the fact that it has river access, and you love to fish. And then you had to put up with Apple cannons going off constantly throughout the day. And those Apple cannons, by the way, are on the western side of the property where there's no barriers. And so, I'm not sure how they can't hear that in their home. But I can tell you 100% we hear them in our homes with windows closed, AC running, we hear them. I would also like to say the dust. I've lived out in the country my whole life. I know what it's like to live in the country and deal with the dust that we deal with is you can't even imagine. It's awful. For a long time, I worked Saturday night and I would come home. I got off work at 1030. So, I would say I got to Decatur road, probably about 10 till 11 the dust was so thick. I couldn't even see in front of me. And I know they close at 10 but I often encountered traffic leaving and I understand it takes time for them to leave but this isn't like okay when the lights go out, and everything's done, I can tell you because I've driven on those roads at that time, regularly, day after day. And I feel like a lot of the testimony that's been given are by people who don't even live in that area. They don't know what it is like. I think that Gary and Julie's ideas are great, they're adorable. I love that kind of stuff. Gary talks about, you know, the Mickey club, or whatever you call that I love those things. I love taking my daughter, I used to take my nieces, I do not like living next door to that kind of amusement park. And to hear that is going to be expanding. It keeps us up at night. I want everybody to think about if you were an (inaudible) and you live next door to an operation like that, that ran six weeks a year and you tolerated it, you complain, you weren't that happy about it, but it is what it is, it's been going on for this long. And then you hear that they want to expand to any other time of the year, especially the time that those road conditions are going to be terrible. In the wintertime, around Christmas, we get snow, rain, all kinds of precipitation. And those roads turn to mud. And you're going to say you're going to go from five to 10 cars a day to 1000s. Again, they can't handle it. I drive those roads every day, I highly encourage you to go down there after it rains and tell me what you think about 1000 cars driving down that road per day is not reasonable. Again, I love the ideas. I think they're great. I love hearing everybody's stories today. However, that is not the location for an operation like this, there needs to be somewhere else that is maybe more centrally located closer to a road that can handle that kind of traffic, and probably commercially zoned. There's a reason that all of the land around here is agriculture and residential. It wasn't meant for this. And then as far as you know, I also got the impression like John that, maybe, Gary and Julie got the impression that, you know, we want the Fall Festival to go away. I mean in a perfect world, I don't want to live next door to it, but like I said, we tolerated this long. We understand people love it and we tolerate it, but those apple cannon, they have not been there for the full 20 years. I don't know if I misunderstood Miss Woodward when she said that, but they have not been there for the last 20 years. So maybe Gary could shed some light on when they installed those. But I can tell you they are fairly new, and being on the western side of that property, they are a huge nuisance to us. And that is one thing that I just feel like we should not have to put up with and nobody who is reasonable, would be able to handle that all day. And that's how I'll close this out. We are reasonable people. We're just like all of you. But we are really nervous because of what happened in the last 20 years when the conditional permit was granted to what it's become today. And now seeing this amendment for more growth come through, I am extremely concerned of what our lives are going to look like five or 10 years out from now. And what problems are we going to have to deal with when they're utilizing land that wasn't meant to have, you know, 800 or plus families a day using the water and septic on them? It just wasn't meant for that. And I'm sorry that I can't cheer this on and be in favor of it, but unfortunately, I just do not agree that that is the right property for this, and I think that it's your neighbors who are having to pay for it. And that's not fair. Thank you for your time.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): Ok. Allan Brown.

Allan Brown (1548 Decatur Rd, Grantville): Yeah, this is Allan Brown. I live next door to Gary, and he said we've been here about three years, but I've been here for a little over four years. And before when my kids were little, I lived here for 10 years. My parents lived here. My grandparents lived here. We've had this property in our family since homestead days and Gary is stealing the rural feeling and comfort that we have out here. I admire him for what he does, but like Mae said, it's not the place. The dust is unbelievable. What are we supposed to do at Christmas? Stay inside away from the dust? Do

we not have an Easter egg hunt for our kids and grandkids? On the fourth of July, we get no backyard barbecue? I mean, come on. This is unreal. That's all I gotta say.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): Then James Brown.

James Brown (5937 17th St, Grantville): Um, you know, I don't really think there's much I could add. I think it's all pretty much been touched upon. Other than I mean, to give you an idea of how quiet it can be out there. Like how much noise can actually travel? I can sit on our porch, next door to Gary's and across the field, sometimes I can hear the TV from my parents' house if they have the door open. So, I mean, you're, you're gonna hear an amusement park, you're gonna hear it, it's gonna happen. That's just that's rural. And yeah, it's just not the appropriate place for an amusement park. And that's what it's becoming. But yeah, I mean really that's about it. I think we touched every possible topic.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): I think there was a Margaret that wanted to speak as well.

Margaret Gibbs (5937 17th St, Grantville): Yes, this is Margaret. I just wanted to say when when Gary first moved here, he just had a little garden of berries and and then it's, it's grown so big since then. It's kind of out of control. And also, you know, I don't want to say anything bad about his character because my mother liked him and got along with him just fine when she was here, and we all grew up here and this has been in our family for, for many years. And I moved away and a couple of us had to move back because of an illness and it's, it's just been the dust is just unbelievable for those six weeks and the traffic is lined up in front of our house sometimes to get into his parking lot. He did treat the street in front of our house, but it really didn't help because he's now got parking right on the other side of our property line and when the cars are all parking in there, they're you know, he says there's grass there but it's dirt by the time the park the cars so it's it's just a nuisance. We hear the noise. We can hear the kids in the corn maze yelling and screaming and you know having fun, but it's still loud. And, and then now I can say two nights I know of for sure. I went out to let my dog out. And Gary's was closed, and the lights were all off, but I could hear people over there talking and laughing in their parking lot right on the other side of our house. And that to me, that's scary, that's dangerous. I couldn't even let my dog out. So that's a few of the concerns that I have.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): Mr. Chair, I think we have a couple of people who were neutral. One was Richard. And then the other one is Kevin Gibson.

Richard Jones (1701 Douglas Rd, Grantville): You want me to say something now? This is Richard? I'm Richard Jones. 1701 Douglas Road. I'm the neighbor just to the east of Gary about a half a mile. We're staying pretty much neutral here. We've been here for 35 years. We met Gary when he moved in. Our oldest daughter was one of his first employees. We've also known Jay, since he was a kid living with his mother there. The house right next to Gary's. And Jay has been about just about as productive as Gary has in the neighborhood. He had a roofing business. And he's roofed just about every house in this valley until he had a heart attack and was forced to retire. So, I don't have a whole lot to say for or against. We are concerned with the traffic because we get about as much traffic coming down Douglas Road and then turning on 17th to go west to Gary's as they have going down Decatur and heading east to Gary's. Everybody with GPS in their automobiles at this point in time, you would be surprised at the number of people from Johnson County, Wyandotte County, Douglas County, so they ask their phone or their GPS to direct them. This coming from the east, this is the closest turn, they're going to give you the most efficient route. So, Douglas Road is beat up just about as bad as Decatur is. Like I said, we've been here for 35 years now, 37 the wife said. We tolerate it. It's fine, we like Gary, we've done things for him. The wife helps him out with his landscaping, like I said both of my daughters, they started out picking strawberries and raspberries for Gary. And to this day, when they're home they go and see him if they have a chance. I do agree with Mr. Hutton a little bit in that this is about the conditional use, the roads. Gary is in operation down there at the same time the farmers are harvesting corn and soybeans. It gets a little bit intense around here between the farmers and the Fall Festival. Now this is not anything Gary can do. The other thing is there's no sidewalks down here like there is in town. And the

Brown woman spoke about not being able to ride her bike and we have to pick a different course there on Friday evening, Saturday, and Sunday because of traffic conditions. And that again is nothing that Gary has any control over. That's something that I don't know who would control that. You can't dictate how his clients drive and you get some teens that come down through here, and there's no essentially no posted speed limits, no one to enforce any speed limits if there are. We have almost lost dogs to traffic both from farmers and from festival goers. So that is our only concern really is the safety, the road safety, and the road conditions. Now Gary has done the best he could with his water truck, but you're talking let's say we're one mile south of the highway and so is he, so you got two miles there and another mile in between the two roads, you've got three miles of road there that are getting beat up by farmers and by festival goers. And in the 35 years we've been here the main focus on these roads is the school bus routes. We've noticed route changes over the years if there are no children from highway 24 down to 17th Street on Douglas road it doesn't get maintained as often as between Douglas and Decatur, because there may be some children to be picked up along that route. So, route changes on the buses, dictates frequency of maintenance it seems like we've observed living here. So, that's really all I've got to say unless there's any questions.

Chairman Johnson: I have one quick question. How do you assess the growth of this enterprise over the years that you've seen it? Was there a time when it went from manageable to somewhat beyond that?

Richard Jones (1701 Douglas Rd, Grantville): He manages it very well. He really does. The only thing he can't manage is like I've said, the traffic away from his facility, you know, and to his facility, those kinds of things that he has no, because it's an individual driving habits conscience, you know, conscientiousness on behalf of those driving and that type of thing. We got farmers that drive just as bad as some of his, his festival goers. I mean, I've had to replace my mailbox because of combines and stuff four or five times. I finally put a concrete one up and then a semi that was down here, took it out and it tore the semi up, but I put the concrete mailbox back up. I bet his employer was dissatisfied with the delivery.

Chairman Johnson: Maybe I didn't say my question very well. 15 years ago, was there 100 cars on a weekend and today there's 500, 600?

Richard Jones (1701 Douglas Rd, Grantville): When you guys say 600 cars a weekend, I would almost put that sometimes as a day. Okay. And it depends upon the weather. It depends upon whether the trains have, we have two crossings here, we worry about it too, so you know if one crossing is blocked, they all go to the other. Yeah, it's, it's grown, it's grown considerably but it also depends on the year and the weather. There's weekends where you won't see anyone coming out here because of the weather. Who wants to go through a maze when it's cold and rainy? He started as a, as a strawberry, you pick strawberry farm, you know, pretty mild, and, and that's when my daughters worked for him. And then he got, got the idea of this corn maze and then it took off and it's grown gradually. The event center, the Red Barn he has, that was for weddings, and he just he doesn't have that many to be concerned with and it's, a lot of it is acquaintances of his from the church. They'll have events there with him that I know of. I've never really seen a big event other than the Fall Festival. I do kind of agree with Hutton in that I wouldn't give him free reign of having this month, this and this month that whenever. But we like Gary, we do things for him. I provide him with his cedar posts for his woodcarver that he has there and and we've done things for him. We want to keep this as a neighborhood and neighborly type of thing. And if everybody would communicate and be considerate of the others, then we all, everything's fine. Here I'm going off when I look back at the history and it has grown, and I don't want to see him not grow. Yep, that's about it.

Chairman Johnson: Thank you.

Kelly Woodward (Staff): Okay, I think our final ones might be Kevin Gibson.

Kevin Gibson (10216 Dickinson Rd, Ozawkie): Thank you. From everything that I've heard on both sides tonight, I'm still remaining neutral. I don't know of anything that I could add that I've heard from both sides that would change anything at this point.

Chairman Johnson: Thank you for that. So, I guess at this point there is the applicant can respond to comments made or issues, concerns that he's heard.

Gary Starr (Applicant): A couple of things that I realized, as you were speaking, to put traffic in perspective. I don't know why it didn't dawn on me earlier for this to answer your question. When they're talking about 1000s of cars a day. The probability is not high for that to happen. Let me explain why. If you have 1000 cars a day, averaging four people, typically that's 4000 people in one day. And if you take that times the 18 days we're open, that's about 72,000 people. So that's unrealistic. So, I backed it out to where if you looked at 4000 people, and you divided that by four people per car, that's 1000 cars over a weekend, three days approximately. So, you'll see somewhere between 200 to 400 cars a day, knowing what we do in attendance. So last year was the best year ever. We did 28,000 people and you can kind of extrapolate from there. So, for us to have 1000 cars a day over a six-week time period is very unlikely. I just kinda want to point that out. The Apple cannons, we are we are happy with just running them in the fall at the Fall Festival. As far as expanding into multiple different areas, we're really looking at the Christmas light show, not really increasing any noise with it. The lights are in the tree line. That'll have limited hours and limited days. At the most, it would go from Good Friday, not Good Friday, Black Friday, until the first of the year, end of December. Chances are it won't run that long. When we originally started this, we were told to brainstorm, put down anything we could possibly think of and I think that's probably why we got everybody a little more fired up than we should have. If we did an Easter event, it might be for a couple of days. It was a fourth of July, it might be one day. If it was a Valentine's Day, I don't know why threw that out, but I just like Valentine's Day, I guess. It'd probably be a day or two event. It's not again, something that we're wanting to run 365 days a year. So as far as us limiting it, those are kind of the limitations that I see. As far as controlling the dust, I'm open to options there. As far as controlling the traffic, I don't know how we can do it. This is a viable operation. We were given permission to do this a lot of years ago. It has grown and I'll concede to that. We're just trying to find something that works for everybody. I'm not trying to alienate anybody. As Richard said, I would love it if we got along. I don't want my neighbors to be upset with me. That's not my goal here. Not our intent at all. Fireworks are only in the fall. Where it says other events, etc., let's just back that off and take the etc. out of it. The other events, like I said, there'd probably be a Christmas light show or something on that. That is really where our heart's desire is at for right now. Help me out with understanding what you've done in the past with dust control. You know, the rock quarry up north of us, they use a water truck to maintain the dust control because you see it coming down off Highway 24 when they're running it. As far as the weddings and helicopter rides and stuff like that. I think we're already approved for all that. That's something that we're approved for, but we haven't done for a while. As far as removing any trees, the only trees that have been removed, we've done that after we planted them, because it'd become an eyesore. That tree line was poplars, and they were basically dying out, so it'd become more of a fire hazard, so we just took it off the west side of the property. Again, the water is, we have allocations for the water. We're not dropping the water table because the Department of Agriculture monitors that. They issue the permits on how much water we can use as with any well in the valley. I hope I cleared up the fact on the traffic and number of cars with my calculation. At this point, I'm going to defer to Tim and let him speak on my behalf. If that's all right. Unless you have questions for me.

Richard Jones (1701 Douglas Rd, Grantville): Can I make one more comment, this Richard Jones? Gary has within the last couple of weeks asked us - the wife owns the pasture that where Hamms used to rock quarry just north of Highway 24 on Decatur road. And there's a considerable number of cedars up in that pasture. And Gary has asked us if he could acquire 40 or 50 of those cedar trees to put along, I believe along that West property line of his and if he picks on the sizes that I think he was talking about, and they take off, they more than likely would provide a noise, somewhat of a noise barrier coming from his direction, they would also help with some dust on any east west air movement wise. So, I just wanted to add that.

Chairman Johnson: Okay, Tim?

Tim Resner (Lawyer for Gary Starr): Yes, Mr. Chair. Thank you. Can you hear me? Okay. Again, Tim Resner, representing the Starrs. I'm going to try to keep my comments very brief, as much as I can. I just want to again indicate that the you know, as far as what the staff report shows here, you know, it states it's a clarification of the current development plan. And I think it's important to focus on the use that's currently in place that's currently been approved. You know, certainly under that perspective, the proposed amendment really is minor in nature. It's a minor change to the plan. And this is the use, again, that's been in place for for 20 years now. And under the law, you know, when you're evaluating this the touch zone really is one of reasonableness. That's the whole point of the Golden factors is to gauge what's reasonable under the circumstances, you know, relating to the approval of this amended plan. And I disagree respectfully with counsel's application of the golden factors because I don't think that they adequately take into account the fact that we have a current plan in place, and what exactly that plan is versus the, you know, proposals here. I think Mr.

Starr's done a nice job of clarifying, you know, what the intended use is with respect to the components in the amended plan? And certainly, I think if there are questions, you know, from this body, it would be appropriate to clarify those on the record here so we're clear as far as what he's proposing here. You know, we've also heard about the benefits to the community. That's also a factor that we'll look at. And it's an important factor and I don't think it's one that should be understated here. Yeah, this, this enterprise really does provide a substantial benefit to the community. It's an important one. You know, we also have the staff report, which again, is recommending approval. I think the staff report did a nice job of distilling the various issues we have, but when you're considering this type of a question, you know, reference is also made to you know, the various experts that have been involved in evaluating the plan. We've heard from the health department, the road department, the county sheriff who, you know, all across the board have expressed no concerns regarding the change, you know. Last, I want to make a comment. And I, I know the body, I'm sure, appreciates this distinction. When we're talking about conditions. I think that may be a little bit difficult to distill, you know, as far as, again, the plan that's currently in place, any conditions that may be there versus, you know, any amendments to the plan as they've been proposed? You know, it may be a little bit of a nuanced question. I wanted to make sure to bring that to the forefront here. You know, if you would consider any type of conditions that, you know, we do have what I think would be a differentiation between, you know, what's currently in place versus what's being proposed. And I think that's all that I have, Mr. Chair, unless there's anything else for me.

Chairman Johnson: Well, do the commissioners have questions for Tim or for Gary, or any of the other testifiers at this point?

Chairman Johnson: I guess, Gary, my question might be, and I forget the woman's name, who's coming on as, as a project manager next year? So, you're gonna have other people then putting activities together you know, considering different opportunities that you have. You can have a wedding at any time, right? Was that requested or, or church service if so requested?

Gary Starr (Applicant): That's a great question. As far as having one at any time, I suppose you could. That's not my desire. I don't, I live there as well as everybody else in the neighborhood and, again, this is my fun part of my life. I don't want to work 24/7, that's not the goal. So, we're not having weddings, we currently don't, we have not had a wedding for probably 10 years. We don't allow alcohol on the farm in the first place. So that eliminates us from most weddings. Did that answer your question?

Chairman Johnson: I guess I'm wondering, as soon as you retire somewhat out of this operation, then that's an ongoing business that you're going to bring in other people to operate right?

Gary Starr (Applicant): Let me clarify the fact that I am not stepping out of the business. I am just developing other avenues that I want to pursue. My joy is enjoying the farm at this point. Having grandchildren now, I realize the benefits of watching all my children play and how that, and how I can interact with them. I get more benefit out of talking with people as they come out, seeing what their joys are. Chick-fil-A had a video about you don't know what that person's life has been like that day. And nobody knows that you care until you talk to them. And that's, that's what I want to do. So, I've got qualified people between Kathy and Dreana that want to manage the day-to-day operations for me, and Michael majors is another one. Janell is another one. So, we've got people that are in charge of specific areas that really have bought into what we're doing, that free me up to go around visiting with people. And I don't ever plan on retiring. I'm still here at my office tonight. I love what I do way too much.

Chairman Johnson: Any other questions by commissioners for the applicants or the attorney? Seeing none, then at this point, I'll close the public hearing portion of this case and see if commissioners have questions for Kelly, or thoughts, comments about what they've heard this evening.

Commissioner Phillips: This is Steve, I have a question for Kelly. Kelly, what do you see as the change in this from the existing plan? I mean, I know there's a new building, but what additional is he requesting to do that he doesn't already have, that's different from the old plan.

Kelly Woodward (Staff): So that would all be contained in the narrative and I think I had asked him to rearrange that a little so you can see what the new events would be. So, let's just look at future structures he has listed. But I don't think that's what you're asking about? Are you asking about activities?

Commissioner Phillips: Well, both. What he can't do under the old one that he wants to do in this one is what I'm not clear on?

Kelly Woodward (Staff): Yes, that is a very good question, and I was going to make a convenient list and ran out of time. So, future structures, he had listed as the paintball target. That's not actually a building so it's not shown in the slide where I pointed out on the development plan, the new buildings in red. He's already got a tilt house; I think he's just moving that. Ropes course is new. Gary might have to, you know, step in here if I get it wrong. Another slide, the exit building, the mother's breast-feeding area, restrooms, and concessions.

Commissioner Phillips: Are those things he couldn't do under the old plan?

Kelly Woodward (Staff): Those are structures that he does not currently have, and the old development plan is, that exists, is just kind of a partial view of it. This is one reason I said, Gary, we really need to update your development plan, because I cannot find what looks like a full-size plan of what he was approved for. I've only found a copy of a partial development plan, like a partial copy of his development plan, and we've looked everywhere. I mean, I can't tell you where it is. That was 2002. So, I can't particularly tell you for sure what was on that development plan paper, for sure. So other clues are the narrative.

Commissioner Phillips: He doesn't have a copy of it?

Kelly Woodward (Staff): No.

Chairman Johnson: Kelly, didn't you list, pretty precisely, what the events were that were allowed in the original CUP? As far as the Fall Festival, and maybe some harvesting at the end of the summer?

Kelly Woodward (Staff): You mean in the staff report?

Chairman Johnson: It was part of our discussion tonight, and I'm not exactly sure where I was at. But I thought you're pretty definitive about what, or maybe that was Mr. Hutton that talked about, you know, his understanding of what the original conditional use permit was.

John Hutton (Lawyer for the Brown family): Mr. Chairman, look on the CUP 2002-01 development plan. The pages are unfortunately unnumbered, but the third page of the development plan has hours of operation which specify summer harvest and fall festival. And as a matter of course, I don't believe he's ever done a summer harvest. And that, well, unless that was the berry picking, but I mean, it's in there. I don't know how to say it.

Secretary Scherer: Mr. Chairman, that's page 106 of the of the mailing.

Kelly Woodward (Staff): So, you are looking at page 106 is Gary's original application, just to clarify, and there were hours for summer harvest and hours for the fall festival. That's under, that's listed under hours of operation.

Chairman Johnson: Right. Right.

Secretary Scherer: Mr. Chairman, I might point out that starts on page 104 and there is other information that's sort of pertinent.

Kelly Woodward (Staff): Because other places in there list picnics, private parties, concession sales, you know, bonfires, live music, church meetings, helicopter rides, you know, so.

Chairman Johnson: So, when would those have happened? At any point?

Kelly Woodward (Staff): Yeah, that's part of his original application, all that stuff.

Chairman Johnson: So, listing the hours of operation didn't put parameters around actual business operation?

Kelly Woodward (Staff): I guess that's subject to your interpretation in some ways.

Chairman Johnson: Well, is an expansion then to want to put on a Christmas light festival or something around Easter? And I mean, isn't that at least a somewhat if not significant upgrade of what we have here?

Kelly Woodward (Staff): Well, if you're not having weddings for 10 years, but you want to have a Christmas, you know, event, you know, does it balance out in some way? And my main point was, he isn't doing any new activities on the property that doesn't fall under agritainment, his original conditional use permit, the use he applied for, was agritainment farm business, that is still what he's doing. So, what we have before us is an amended development plan that goes with that conditional use. Now, he's listed some additional activities, what additional structures that he wants for the agritainment use. So that is part of what you're looking at. My interpretation of the Golden factors, which are incorporated into our conditional use permit factors for approval, if you look at them, and you, you go down and try to apply them to what is going on, most of all of it is going to be not applicable, because there is no change in zoning classification for this use. The zoning rules for this conditional use are what was approved for this conditional use. That is the zoning for the property now and has been for 20 years. All we're looking at is the new development plan and his narrative in his application.

Commissioner Phillips: So, what's the effect of a development plan?

Kelly Woodward (Staff): Steve? Okay. That means when he comes to get a permit to build a structure, we will look and see if it's consistent with his development plan, and if it is, we will move forward with permitting for that building.

Commissioner Phillips: So, this is really just about structures?

Kelly Woodward (Staff): If the amended development plan shows the structures, it probably notes some activities on it, along with structures. But it also notes the things that he put in his application narrative. Those are also things that would be approved and if you want to put conditions on the things in the narrative, then that is within your purview. If you want to recommend conditions.

Chairman Johnson: Further questions by commission members?

Secretary Scherer: Mr. Chairman, this is Matt.

Chairman Johnson: Yes Matt.

Secretary Scherer: What I'd really like to do, I think, is to ask for an amendment to the amendment here. What I really would like to see would be the neighbors and the Starrs sit down and work out some of these issues, I think they would do a much better job than we would try to come up with specific conditions that would fit Mr. Starr, Mr. and Mrs. Starr's operation, and at the same time would address concerns from other neighbors. And we can't require them to do that, I don't believe, but I'd like to sort of offer it as a possibility.

Chairman Johnson: Would you be open to the delay, for a month or two to hopefully allow that process to go on?

Secretary Scherer: I would certainly be willing to, but I'm not really particularly involved as far as the delay is concerned, that's the applicants concern more than mine. Whether or not the delay would be more than they could deal with, I think it would require a delay on our action. We've had an instance in the past where we actually made a decision and the community got together and came up with a better solution, and brought that to the County Commissioners, and that worked out really much better than what we proposed for conditions on the application. I guess I'd like to give the applicant and the neighbors the opportunity to do that without us taking action and sending it to the County Commissioners and then having them just completely throw out everything we recommend.

Chairman Johnson: So, do you have a plan or mechanism or a suggestion on how that can proceed.

Secretary Scherer: The example that I remember, was the community just got together with the applicant and I can't remember the applicant's name - maybe Gale does since she was nodding her head when I mentioned it.

Chairman Johnson: Was that around the rock quarry at Grantville?

Commissioner Rudolph: I've heard it brought up before, but I can't pinpoint, but I'm in agreement with Matt, that this seems to be the bigger issue between the two. I think that if they were given a chance to have a discussion that they could probably come to better terms with what could be worked out.

Secretary Scherer: And of course, if not, we're still able to provide conditions to recommend to the County Commissioners.

Commissioner Phillips: I certainly don't have any meaningful conditions that off the top of my head, I can suggest. So, I wish that would happen, that people could come to an agreement. Or at least suggest conditions to us? I hate this to be an all or nothing deal, and I think maybe some suggested conditions and another meeting might be helpful if they can't agree.

Secretary Scherer: I just would rather see a development plan and actually address all the issues right up front so we don't have to impose particular conditions that may or may not fit the situation very well.

John Hutton (Lawyer for the Brown family): Mr. Chairman, this is John Hutton and I have a bad habit of speaking out of order during this meeting, and for that, I apologize. However, I have done this before. So, I would be happy, just to say this, I would be perfectly happy after talking to my clients to contact Mr. Resner later this week, maybe we set up a meeting, maybe we lawyers talk back and forth, but putting together some proposed conditions, with the input from at least the Browns and anybody else that wants to be involved. And then Mr. Resner and Mr. Starr, that's eminently doable. And I'd be, you know, if we had 30 days of additional time to, you know, except this meeting over for a month, or whatever your next meeting would be, give us a little time to do that. And then we could submit those to Miss Woodward, but you all can look at them and either throw them out or pick and choose or say those are great. But it's not atypical for a body, such as this, in this circumstance, to take 30 days to see, to let things gel a little bit. So, with that, I hopefully - I'm trying to be helpful and not to delay things.

Chairman Johnson: Well, let's see, we have closed the public hearing portion of this. So, let's see, is step one to defer this to the next meeting and see if at that point, there have been some agreements to bring back to the Planning Commission?

Secretary Scherer: Mr. Chairman, if I may, I think the first thing to do is ask the applicant if the applicant's agreeable to such a course of action. In my opinion.

Chairman Johnson: Well, Gary, what is your reaction to a month to deliberate on this and talk out some specifics on a development plan?

Gary Starr (Applicant): That's a great question. We tried to propose that when we first found out that Mr. Hutton was involved. We got no feedback. Coming in at this late date, I'm not happy with that. This is the whole reason behind this was a building permit was the only reason we're going, we were going through this for us. So, I'm under a time crunch. In order to get this building put up and have it permitted so I can have the builder come in and be on the schedule. So, by deferring it 30 days, it just pushes it out, and also puts the financial obligations we've already put into place out even further where I am, I mean, I would have liked to have had this done in advance. Again, we offered that up, and nobody got back with us. So, I find that coming in at this late time to propose something like that is putting undue hardship on us.

Kelly Woodward (Staff): So, I want to clarify what I had told Mr. Starr about his original building. The existing development plan shows just east or west of the house, a proposed building site that is 60 foot by 200 foot. He has only built a 40 by 80-foot building with a few overhang additions on there, at that site. So, it was my interpretation that he still had some remaining square footage of building that was approved per that original conditional use permit development plan that I have a copy of. This one. And so that building, which is the exit building, is shown on the development plan,

just east of the proposed residential addition. So, I would propose to you that he can move forward with getting his floodplain development permit, and his building permit for that one building while moving forward with amending, finalizing the rest of this development plan and the narrative that goes along with it. If they choose to work together, I would caution you against deferring this more than 30 days, I think we have a responsibility to people who apply to efficiently conduct this business, and so deferring more than 30 days, I would, I would caution you against doing that. So, I would put it out there that if there's going to be an agreement, they can get it done in that amount of time. And if not, you guys need to move forward, the best you can, with what you think are reasonable conditions.

Commissioner Phillips: This is Steve, I suppose another option would be just to approve the additional buildings and not the rest of it. I'm still not clear on what is and isn't already allowed there. And I'm not sure that we are in a position. I guess it's vague enough that I don't know if it's this committee's role to make that interpretation of what's already permitted. And should we just be dealing with buildings?

Kelly Woodward (Staff): I can work to compare the narratives from the first conditional use that's approved already with the narrative he has put together in this current application and do some clarifications of what has already been approved? And what do, you know, what is intended to be different use? It's not a different use. It's just a different activity, really, because it's all agritainment stuff.

Commissioner Phillips: But if it's all, I guess my question is, if it's all agritainment stuff, was the additional conditional use permit so broad, that the rest of this discussion of specifics (inaudible)?

Kelly Woodward (Staff): Well, he is suggested having an additional event. I've suggested some conditions of approval for you, that I think would handle or mitigate any concerns going forward. I guess I'm probably not answering your question very well, you want me to narrow it down to like, you just need to worry about this thing and not this thing. But I do think you have to take the application in totality, as far as it relates to this amended development plan. A plan is not all just the survey. A development plan is also the phasing and how it gets brought into being and what goes on there as a whole.

Chairman Johnson: Any commissioner member want to make a motion to what the next steps should be? Should we just deal with allowing expansion of structures since that goes with what was in the original conditional use and not worry about the development plan, particularly say tonight and revisit that in a month to see if we have some agreement between the parties and come up with an acceptable development plan?

Secretary Scherer: Mr. Chairman, it seems to me that if Kelly believes that the building permit can be issued, that's her call not, not the Planning Commission's. So really the development plan appears to me to be the only thing that we're really charged with reviewing.

Chairman Johnson: So how do we get to an agreeable development plan?

Secretary Scherer: Well, in my opinion, we either deal with the proposed development plan that we have this evening and the conditions Kelly's proposed, for which I have a number of amendments, or we postpone with the hopes that the community can come up with a better solution than we're going to be able to come up with. And I lean both ways.

Kelly Woodward (Staff): You could put forward your amendments, and then the community is still listening and see if it addresses some of their concerns?

Secretary Scherer: They won't.

Commissioner Phillips: So, is there, is there more than one building permit that needs to be issued? Or is there just one?

Kelly Woodward (Staff): He's got the one for the residential edition, but that's not included in this conditional use anyway, and then the one exit building, which, you know, I think the square footage is available from the first approval, and I can approve that one, provided he gets his other permits, like the floodplain development permit.

Commissioner Phillips: Can we approve part of this development plan and table the rest? In other words, approve?

Kelly Woodward (Staff): Well, that building is shown on the development plan but, you know, I was just saying, you know, that I can permit that earlier.

Commissioner Phillips: In that case, I would move that we table this until the next meeting, based upon your representation that approval is not required for a building permit. Then at the next meeting, request the parties to reach an agreement if they can, if they can't, to propose specific conditions to us, because I'm just not wise enough to look at this and come up with conditions. I'd like to table this and allow the parties to try to reach an agreement and if they can't, to propose additional conditions.

Secretary Scherer: Mr. Chairman, I second the motion.

Chairman Johnson: Further discussion? Everybody understand the motion? Any further questions or comments about it at this point?

Secretary Scherer: Mr. Chairman, I just, I'm pretty sure I know the answer to this, but I assume that everyone besides the commissioners has Kelly's proposed conditions?

John Hutton (Lawyer for the Brown family): I don't.

Kelly Woodward (Staff): Who said that? They're in the staff report.

John Hutton (Lawyer for the Brown family): Was that what you sent? Did you send that this morning?

Kelly Woodward (Staff): Last week.

John Hutton (Lawyer for the Brown family): Last week? Okay.

Kelly Woodward (Staff): I haven't modified them is all I'm saying. But Matt, if you did have modifications to suggest this evening, then that would give people time to consider it.

Secretary Scherer: Kelly, most of my modifications were really concerns about the process rather than the actual conditions for the development plan.

Chairman Johnson: So, we have a motion on the table to defer this for a month and I'm hoping that there'll be some agreement between the various parties and that they'll bring back an agreeable development plan and if not, then we'll work with staff and our thoughts about it too, and what we think will make the most sense to present to the commissioners.

Commissioner Rudolph: Does this involve approving, so that he doesn't have any undue hardship? Does this approve the structural permits?

Kelly Woodward (Staff): It's administrative approval that I can do.

Commissioner Phillips: And I think if the parties can't reach an agreement if they can still bring forward suggestions, even if they're not agreed upon, for us to consider.

Chairman Johnson: We're going to defer this for a month and that administratively the building structure expansion can go ahead.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

Chairman Johnson: So, we'll be revisiting this in a month and looking at the development plans, and hopefully there's an agreed upon solution to consensus on how this fits together.

Secretary Scherer: Mr. Chairman, if I might, a suggestion to the parties, that it might be very well to get Jefferson County Public Works involved given the dust issue, particularly.

Item 6. Public Comment: There was none

Item 7. Old business:

Procedures pertaining to required attendance for applicants at public hearings.

Kelly Woodward (Staff): Okay, I just have a very brief presentation on this. This is very simple decision for you guys. Do you want to initiate this potential amendment to require applicants to be in attendance at public hearings? If you want to initiate it, then if you want to initiate it this evening, we will announce a public hearing at the next meeting to review whatever strategy you like, so let me share my slideshow really quick.

Staff went through slideshow and report.

Commissioner Phillips: I have a couple questions. Well, one is it says in person. Couldn't an applicant appear by representative or an attorney?

Kelly Woodward (Staff): Which one are you looking at?

Commissioner Phillips: The last bylaws use the words in person?

Kelly Woodward (Staff): Sorry. Well, the attorney agrees with you and he changed it to say if applicant or authorized representative is not present in person or is otherwise previously arranged example video conference. So yeah, he had recommend changing that as well.

Commissioner Phillips: Why are we doing this? Was there a problem?

Kelly Woodward (Staff): Back quite some time ago you guys had brought this up right, Matt?

Secretary Scherer: I think it was before Steve, but I'm not sure anymore. So, I'm pretty sure that's the case. But we had an applicant who didn't come three or four years ago, five years ago, something like that, then we had questions and actually, I think all we intended at the time was to note in the letters and correspondence to the applicant that they really should attend, or we wouldn't consider their application.

Kelly Woodward (Staff): And if you initiate that tonight, that might be what you decide to do, too. I guess you don't have to initiate a text amendment if you are only going to recommend changing the applications. And you don't even have to initiate a text amendment if you're only going to change the bylaws, because you can do that internally.

Secretary Scherer: Yes. I noticed that.

Kelly Woodward (Staff): Thanks for keeping me on the straight and narrow.

Secretary Scherer: I was fortunate that I was the chair at the time because I didn't really have an opinion on it one way or the other. With all Kelly's work, it seems like a lot of work at this point.

Chairman Johnson: Well, I think, you know, from my vantage point, I think the applicants ought to be there in some fashion, either have a representative and do it zoom or video conference or doesn't have to be in person, but they have to be available to answer questions. And then I think we need to have a date and if they're not there, then we delay it for a month and then the second time around, and if there's no contact, then the case is dropped.

Commissioner Rudolph: I'm in agreement.

Chairman Johnson: We can do that just by bylaws?

Kelly Woodward (Staff): I would suggest that it's not really a good way to do it, because you might be legally challenged. And is that what you thinking Matt?

Chairman Johnson: Your opinion on that Matt?

Secretary Scherer: Why everyone looks at me for legal opinions? Yeah, I think that if you really wanted to dismiss the application, for failure to show, you'd have to have a little bit more than our bylaws to back that up.

Commissioner Phillips: Although if there's just unanswered questions, and they haven't, if they haven't demonstrated the wisdom of whatever they're proposing. I mean, it seems to me that there's some applications, maybe they don't need to be there and some that if they can't answer questions about, we're just going to deny. I don't know if this is necessary, just seems wise on their part to, to show up and say something.

Secretary Scherer: I honestly think that's why we originally thought we would just have staff put it on the application form and on the cover letters. Just giving them notice that we really expect them to be there if there's any questions.

Kelly Woodward (Staff): No consequences, but just encouragement to be there.

Secretary Scherer: Like Steve says, if there's questions that they can't answer, they're not there to answer, and we feel like we need it in order to make a recommendation. There is a consequences, it's just that we may have a little bit of trouble supporting that consequence under certain circumstances.

Kelly Woodward (Staff): Well, and Erin's pointing out to me, we do that already on the application and the process sheet.

Chairman Johnson: But we're just you know, if we don't get the questions answered, or we think that there's a lack of information on it, then we're just making that recommendation to the County Commissioner, that we have insufficient information to to decide this case. And then then it's up to the commission, whether they handle that at that point?

Kelly Woodward (Staff): I've never seen that happen. But it could happen. Your job is to enforce the regulations we have. That's the information you have. And so, if you don't think, you know, we're going make sure that they put the information in there that's needed to address the regulations. That's our job to make sure you do get the information you need. So, I don't think that'll happen too much, we will try to be pretty diligent on that.

Chairman Johnson: So, do I have a motion to for our next step on this to initiate this public process and look at our options a month from now about what makes the most sense to adopt something?

Commissioner Benyshek: Mr. Chairman, this is Tim here, can you guys hear me okay? I just had a couple comments on this, I guess. One, I mean, I don't have any objections of whether we should or shouldn't require the applicant to be present to approve an application but I guess one that kind of comes up to me is how many applicants have we not had shown up in the last X amount of years and is this really an issue and then two, if the applicant is not present and we have a question that needs to be answered to approve an application, can we not just table that application until the next meeting? And I guess maybe I'm relying too much on the applicant, but by default, they're going to figure out that their application wasn't approved if we just table it, and it doesn't go to the County Commissioners.

Commissioner Rudolph: That is true, because I can only remember probably two times since I've been on that someone hasn't shown up.

Secretary Scherer: I can only remember two times since I've been on.

Kelly Woodward (Staff): Yes, you can defer it to find out more information, the application.

Commissioner Benyshek: I mean, I guess and maybe I'm being too practical about it. But my, my theory would be that the applicant is probably going to call the Planning and Zoning Commission or wonder why they're not getting any communication on anything and well, because your application wasn't approved because you weren't present to answer the questions.

Kelly Woodward (Staff): We'll send them a communication that says it was deferred to next month, and you should be there.

Commissioner Benyshek: There you go.

Chairman Johnson: You say it was deferred because they didn't, they didn't show up?

Commissioner Phillips: Or we had questions that weren't. I almost think it's safer not to have a written policy and to just do this.

Commissioner Benyshek: Well, and that was my thought behind it is why do we want to put ourselves on the hook, in our amendments or our bylaws, when we can just have the option to table it and let the applicant respond to us.

Secretary Scherer: I personally find that as long as the applicants being notified upfront that their presence is expected on the application form or on the communications of some kind.

Kelly Woodward (Staff): We can email you the process sheets so that you have the example. Or Erin, can you pull it up and share your screen? Do you want to do that?

Secretary Scherer: While she's doing that, I will say I liked Kelly's presentation. It was interesting to see what the other counties are doing.

Kelly Woodward (Staff): I think I'll send it to them so they can see how they helped me.

Chairman Johnson: Well, we have a consensus at this point that we'll just, we can just handle that we think internally or administratively and live with that at this point?

All members of the Planning Commission agreed.

- I. **Consider potential draft text amendment TA2021-01 to sections of the Zoning and Subdivision Regulations pertaining to application requirements and Zoning Certificate/building permit procedures. DEFERRED**

Item 8: NEW BUSINESS

- I. **Election of Officers for 2021**

Chairman Johnson: I'll offer this for what it's worth, Erin looked when we adopted, maybe Matt remembers this, that the chairpersons of the Planning Commission are limited to three years. And given when I started, the chairmanship here, it looks like I would have one more year before I would be termed out as far as that goes. But Matt, do you remember us adopting that?

Secretary Scherer: Yeah. That was the first motion I made after I was relieved of the chairmanship. Given that, if all of our current officers are willing to serve again, I would move the current officers to be reelected to their seats.

Commissioner Phillips: I'd second that.

Votes were taken by Ayes and Nays as follows:

Paul Johnson Chairman	Matt Scherer Secretary	Stephen Phillips	Gale Rudolph	Tim Benyshek	Vacant	Vacant
DNV	Aye	Aye	Aye	Aye	--	--

Motion passed 4-0

I. Identification of topics for the joint Planning Commission/Board of County Commissioners meeting on May 3, 2021 at 2 pm.

Chairman Johnson: And at 11:02 here, our last item is getting ready for our joint meeting with the County Commission next Monday. And I agree with Steve that it's getting pretty late to get into much detail here. I would like clarification of the County Commissioners on a timeline. I would like some clarification from the County Commissioners on why, why is it time to write a new comp plan? Or update I guess maybe more adequate to you know, what's their thinking about it? And I think Kelly said that, in her job interview, a couple of Commissioners brought up the issue of the Comprehensive Plan. And the only other thing I would say is it was frustrating for me was that we adopted the Comp Plan in 2000-2001 and then we didn't adopt those zoning and subdivision regulations until 2009. And I'm hoping that we can sync that up this you know, if we're going to update the Comp Plan that we do it in, you know, with the Zoning and Subdivision regs. And last thing I'll say, I like the thought of doing this a chapter at a time or a couple chapters, you know, instead of biting off the whole thing. Comments?

Secretary Scherer: Mr. Chairman, one of the things that I have always wondered about is the LESA evaluation as well, since it doesn't as far as I can tell, doesn't actually influence, perhaps influences, but it doesn't actually mandate that we make some decision or another. But we go through the process. It seems an example of the disconnect between the plan and the rules and regs.

Chairman Johnson: I'm not sure I understood all the depth of that comment. You're saying that there ought to be some effort to review the comp plan in some fashion, evaluate before we start into an update.

Secretary Scherer: Oh no, I'm just trying to provide an example of a concern I have between the coordination between the comp plan and the rules and regulations, or the lack of coordination between the two documents. When the commissioners want to know why we think the plan ought to be updated.

Chairman Johnson: Kelly, have you shared with the Commissioners, your, some of your analysis about how the comp plan and zoning rules and regular subdivision regs fit or don't fit?

Kelly Woodward (Staff): I gave them the Plan Compatibility Report, I did not do a presentation or go through it with them. I basically have given them everything that I've given you guys on the topic, but I haven't done any presentations. So, whether they've read it or not, I do not know. Now I could try to get on their agenda to prep them for the meeting, well the meeting is next week, I guess. So, I can't really do that.

Chairman Johnson: Kelly and I maybe can talk about, I mean, are they expecting a presentation from Planning Commission? Is that how the item on their agenda for two o'clock next Monday is set up? Or is it a little more open with just the conversational format?

Kelly Woodward (Staff): So, I think it could be just an open discussion.

Chairman Johnson: So, everybody's gonna be on zoom, and I'm gonna be here in person for it. So, people can bring, you know, put your ideas on the table.

Kelly Woodward (Staff): Like general topics would be public engagement. Do they have any thoughts about that? You said timeline already. That's a good general thing to talk about. Maybe is there anything they be willing to spend money on an analysis for?

Commissioner Rudolph: Internet web page?

Kelly Woodward (Staff): Yeah. So that would be a good thing, if you think that's important, to mention that to them and see if they were supportive of that.

Commissioner Phillips: I guess I'd ask just based upon the change in time and how development pressures are there decisions that we're reaching now, because of the regulations that are in place, basically is problematic. Are there just areas where they think we need to be going in a different direction?

Kelly Woodward (Staff): So, do the regulations need to support different results?

Commissioner Phillips: Yes. Big picture. And you know, that might be different depending upon where in the county you are. I mean, we've talked about how the southern third is really a bedroom community. And you know the northern third isn't and, are we applying the same standard when we shouldn't be?

Kelly Woodward (Staff): I think there's probably a result of just market forces and people trying to live as close as they can to urban areas and, and further reaches don't get developed as soon. But I could be wrong. I mean, we're not applying any different rules.

Commissioner Phillips: Obviously, it's pressure. But should we be more receptive to, I don't know, development? Are we recognizing that those pressures are reality?

Secretary Scherer: Recognizing them in a way that the County Commissioners agree with?

Kelly Woodward (Staff): So, are they okay with development occurring in that pattern? Kind of?

Secretary Scherer: Very, very, very, very broadly, rather than? Yeah, I mean, it's, like Steve said, it's a real general conversation.

Commissioner Phillips: You know there's a lot of tension with everybody wants the county to retain its rural character, yet the development in the southern third is reality. And the tension between those two, I don't know what you do with.

Secretary Scherer: We just spent most of an afternoon and evening worrying about that, in a way.

Kelly Woodward (Staff): I'm kind of confused about what people think rural character is too.

Chairman Johnson: Specialty crops. That's what it is. That's the other thing that I guess I struggle with a bit is it doesn't seem like we have much of a feedback loop with the County Commissioners, that, you know, obviously, you tell us, you know, when on your staff reports about what they did with case, you know, the cases, and actually recently, most of them, have, they've agreed with what the Planning Commission's done. There was a time where it repeatedly didn't go that way. And then we, you know, we never got much feedback from them, about, you know, how they saw it differently than what we did.

Kelly Woodward (Staff): That makes a lot of sense.

Chairman Johnson: 11:15, I'm glad I'm still making some sense.

Commissioner Phillips moved to adjourn the meeting. Secretary Scherer seconded.

Item 9. Adjournment – 11:16 PM

Minutes taken by:


Erin George

Approved:

5-24-2021

Date

Chairman:


Paul Johnson

Secretary:


Matt Scherer III